

**DENTISTRY EXAMINING BOARD
MADISON, WI
NOVEMBER 5, 2003**

PRESENT: Bruce Barrette, DDS; Keith Clemence, DDS; Nanette Kosydar Dreves, RDH; Judith Ficks; Wilber Gill, DDS; Karen Jahimiak, DDS; Catherine Schleis, RDH; Arthur Srb; Richard Strand, DDS; Bruce Trimble, DDS

EXCUSED: David Carroll, RDH

STAFF PRESENT: Tom Ryan, Bureau Director; Jacquelyn Rothstein, Legal Counsel; Pamela Meicher, Program Assistant; and DOE staff

GUESTS: Peter Theo, WDHA; Mara Brooks, WDA; Lori Barbeau, DDS; Dennis Engel, DDS, WDA; William Skarie, DDS; Emily Kinsell Berger, RDH, WDHA

CALL TO ORDER

Chair Bruce Barrette, DDS, called the meeting to order at 8:35 a.m. A quorum of 10 members was present. Dr. Barrette also welcomed William Skarie, DDS, and Lori Barbeau, DDS, to the Board meeting. They have both been appointed to the Board by the Governor and await Senate confirmation.

Nanette Kosydar Dreves, RDH, made a request to the Department to send draft minutes to her directly for proof-reading after each meeting and requested a copy of all official minutes for the current year.

MOTION: Nanette Kosydar Dreves, RDH, moved, seconded by Richard Strand, DDS, in favor of draft minutes being sent to her after Board meetings for review and that a copy of the 2003 official minutes be sent to her. Motion carried unanimously.

PLEDGE OF ALLEGIANCE

AGENDA

Amendments to Agenda:

Final Rule-making Order, Clearinghouse Rule 02-139, relating to faculty license
Stipulation – Case 02 DEN 002
Stipulation – Gregg A. Seyler, DDS
Request from Amie Wolf to take the CRDTS examination a third time

MOTION: Karen Jahimiak moved, seconded by Richard Strand, to approve the agenda as amended. Motion carried unanimously.

Chair Bruce Barrett, DDS, recognized Nanette Kosydar Dreves, RDH, who ensured that all DEB members present had received the correct version of the minutes for the September 10, 2003 meeting. These were mailed on 10/31/03 subsequent the Board agenda and packet should be substituted for those received with the packet. In addition, she will be taping this Board meeting and subsequent meetings.

MOTION: Nanette Kosydar Dreves, RDH, moved, seconded by Richard Strand, DDS, in favor of the revised minutes being substituted in the DEB packet as the official September 10, 2003 minutes and that future Board minutes are emailed directly to Ms. Dreves within two weeks of the Board meetings. Motion carried unanimously.

APPROVAL OF MINUTES OF SEPTEMBER 10, 2003

Page 3 – Correct the sentence under Accreditation Site Visit to read: There were no Board member volunteers to participate at this site visit in Milwaukee.

Page 4 – Under Closed Session, correct Wilber Gill, DDS and Karen Jahimiak, DDS.

Page 8 – Added the Administrative Report

MOTION: Nanette Kosydar Dreves, RDH, moved, seconded by Richard Strand, DDS, to approve the minutes of September 10, 2003, as amended. Motion carried unanimously.

ADMINISTRATIVE REPORT

Testimony of Deputy Secretary Mary Schlaefer before Joint Committee on Audit:

Tom Ryan reported that the Legislative Audit Committee has requested an audit of the fee methodology currently in operation at the Department. Secretary Strong Hill would like the audit completed by January 2004, rather than the June 2004 deadline from the Committee. Ms. Strong Hill has asked all Boards to support the January date of completion. The Board questioned why dental fees increased with the fee study. Mr. Ryan will add budget discussion with Elizabeth Reinwald to the January DEB meeting to help answer the Board's questions. These questions included inquiry about the "lapse" and the importance of quality services (especially case investigation and presecution) for our credential holders.

Discussion of foreign trained graduates and out of state applicants:

Richard Strand, DDS asked how many foreign trained graduates have recently applied for a license to practice dentistry in Wisconsin. Cathy Pond was not available today, but will provide information at the January meeting.

He expressed concern about these graduates taking dental training programs in other states that do not meet Wisconsin's licensing requirements. Illinois' 2-year DMD and DDS certificate programs do not meet the licensing requirements for Wisconsin. The Board passed a motion in July requiring the graduation from an accredited DDS or DMD degree program. The concern expressed is related to the foreign graduates who take a certificate program such as in Illinois and wish to move to Wisconsin lacking the knowledge of different states' requirements.

2004 Board meeting dates:

The Board reviewed and approved the 2004 meeting dates: January 7, May 5, July 7, September 1, and November 3, all being held in room 179A, 8:30 a.m. Location may change due to change in Board room location. Screening will occur directly after Board meeting.

MOTION: Nanette Kosydar Dreves, RDH, moved, seconded by Catherine Schleis, RDH, to approve the 2004 meeting dates as scheduled. Motion carried unanimously.

Regulatory Digest – status:

Tom Ryan relayed to the Board that the Department is reviewing the cost of publishing the Regulatory Digest in its current format and how other states handle the distribution of information for their professions. Considerations include: newsprint style; inclusion of all professions in one publication; and a website by profession maintained by the Department. The Board expressed deep concerns about reducing or discontinuing the publication in its current format because of its value to inform and educate license holders. Minnesota was cited as having similar budget constraints while maintaining a regularly printed newsletter. It has been over one year since the last Digest has been published.

MOTION: Wilbur Gill, DDS, moved, seconded by Nanette Kosydar Dreves, RDH, in favor of discussing the Regulatory Digest at the January meeting. Motion carried unanimously.

ORAL CONSCIOUS SEDATION – RULES DISCUSSION

The Board discussed the conscious sedation-related topics covered at the AADE Meeting that was recently held. Topics included: the safety of triazolam; titration; the need for adequate training; and education and permits required for control over sedation. The Board will address the requirements for training, how to regulate titration, definitions in the rule language, and whether permits should be required. The Board noted that Wisconsin is one of the few states that do not require a permit for anesthesia.

The Board will discuss titration further at its January meeting.

**ANNOUNCEMENT OF CANCELLATION OF HEARING ON ADMINISTRATIVE
RULE CL 02-138 – DE 3.02, PRACTICE OF DENTAL HYGIENE DEFINED**

Cancellation of the hearing was announced. A hearing may be re-scheduled in the future.

AADE CONFERENCE REPORT – DR. BRUCE BARRETTE

Dr. Barrette reviewed highlights from the October conference in San Francisco, including informative discussions on oral conscious sedation, Clinical Guidelines for Dentistry, alternatives to discipline, elections, and a well-received presentation delivered by Judith Ficks. Her participation and Jacquelynn Rothstein's was recognized and congratulated by the Chair.

DHFS WORKFORCE SURVEY – CATHY POND

This discussion was tabled until the January meeting due to Ms. Pond's absence.

PRESENTATION OF STIPULATION IN THE MATTER CONCERNING GARY BURKHOLDER BY ATTORNEY JIM POLEWSKI

DOE Attorney Jim Polewski presented a proposed stipulation in the matter concerning Gary Burkholder. This matter will be deliberated on in closed session.

PRESENTATION OF STIPULATION IN THE MATTER CONCERNING GREGG A. SEYLER, DDS, BY ATTORNEY GIL LUBCKE AND ATTORNEY PATRICK SULLIVAN

DOE Attorney Gil Lubcke and Attorney Patrick Sullivan presented a proposed stipulation in the matter concerning Gregg A. Seyler, DDS. This matter will be deliberated on in closed session.

REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, AND ADMINISTRATIVE RULES

Krahenbuhl Decision:

The Board noted the appealed decision of the Circuit Court in the Lee R. Krahenbuhl, DDS vs. Wisconsin Dentistry Board case. Legal Counsel, Jacquelynn Rothstein, advised the Board that Krahenbuhl had been granted a temporary stay of the Board's Order.

SB 227:

The Board discussed Senate Bill 227 introduced on August 13, 2003 to amend 15.405 (7) (b) 3., 448.02 (3) (c) and 448.02 (4) and (9) (intro.); and to create 146.365, 440.037, 448.02 (3) (d) and 979.01 (1p) of the statutes relating to priorities, completion guidelines, and notices required for health care professional disciplinary cases; identification of health care professionals in possible need of investigation, additional public member for the Medical Examining Board; authority of the Medical Examining Board to limit credentials and impose forfeitures; reporting requirements for reports submitted to the National Practitioner Data Bank; inclusion of health care professionals who practice alternative forms of health care on panels of health care experts established by the DRL; reports by coroners and medical examiners regarding therapeutic-related deaths; providing an exemption from rule-making procedures; requiring the exercise of rule-making authority; and providing a penalty. Further review may be conducted at a future meeting.

CRDTS/AADE REPORT – DR. RICHARD STRAND

Richard Strand, DDS, highlighted recommendations from the recent CRDTS Steering Committee including; 1) criteria for locations of dental hygiene examination sites require it have 11 operatories, 18 candidates available, site be within 200 miles of the school, 2) reduction in the number of CRDTS funded Board members to attend its meetings from seven to six, 3) dental

examination failure results increased to 14 % on 2003 from 9% in 2002, 4) no caries-detecting devices will be allowed at examinations, 5) “finger-extensions” will be allowed on certain amalgam restorations that require it (e.g. cervical decalcification), 5) pre-operative x-rays for periodontal examinations will accept both vertical or horizontal bitewings with 2 mm of bone visible, 6) digital x-rays will be accepted, 7) dental hygiene passing score will change from 70% to 75%, 8) a third examiner will be allowed to be involved, 9) hygiene examiners will be allowed to take 6 p.m. flights on the last day of the exam, 10) schools are to provide authentication of x-rays, 11) new typodonts will be using in endodontic and prosthodontic examinations causing an increase in the dental exam fee from \$990.00 to \$1005.00, dental hygiene fee from \$550.00 to \$560.00 in 2004, 12) per diem examiners costs have been cut back for the additional travel day, 13) selection of exchanging CRDTS and WREB examiners is ongoing, 14) no exchange of NERB and/or SERTA examiners is planned. Residency programs for general dentists which allow licensure without examination was reported (not within the state of Wisconsin).

INFORMATIONAL ITEMS

Noted.

FINAL RULE-MAKING ORDER FOR CLEARINGHOUSE RULE 02-139

MOTION: Karen Jahimiak, DDS, moved, seconded by Nanette Kosydar Dreves, RDH, to adopt Clearinghouse Rule 02-139, relating to faculty license. Motion carried unanimously.

MOTION: Catherine Schleis, RDH, moved, seconded by Karen Jahimiak, DDS, in favor of inviting William Skarie, DDS, and Lori Barbeau, DDS, recent appointees, to join the Board in closed session. Motion carried unanimously.

CLOSED SESSION

MOTION: Judith Ficks moved, seconded by Karen Jahimiak, DDS, to convene to closed session at 11:17 a.m. to deliberate on cases following hearing (Wis. Stat. § 19.85 (1) (a)), to consider closing disciplinary investigation with administrative warning (Wis. Stat. § 19.85 (1)(b) and Wis. Stat. § 440.205)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85 (1)(f)); and to consult with legal counsel (Wis. Stat. § 19.85 (1) (g)) Motion carried by roll call vote: Bruce Barrette, DDS-yes, Keith Clemence, DDS-yes, Nanette Kosydar Dreves, RDH-yes, Judith Ficks-yes, Wilber Gill, DDS-yes, Karen Jahimiak, DDS-yes, Catherine Schleis, RDH-yes, Arthur Srb-yes, Richard Strand, DDS-yes, Bruce Trimble, DDS-yes.

**RECONVENE INTO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED
SESSION**

MOTION: Judith Ficks moved, seconded by Catherine Schleis, RDH, to reconvene into open session at 1:10 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

**AMIE M. WOLF – REQUEST TO TAKE THE CRDTS EXAMINATION
A THIRD TIME**

MOTION: Judith Ficks moved, seconded by Catherine Schleis, RDH, to deny Amie M. Wolf the opportunity to take the CRDTS a third time until she successfully completes semesters 3 and 4, (clinical components) of an accredited dental hygiene degree program, including one semester of radiography, then requests the opportunity to take CRDTS again after providing the Board with required documentation of above. Motion carried unanimously.

**DELIBERATION OF THE PROPOSED STIPULATION IN THE MATTER
CONCERNING GARY BURKHOLDER**

MOTION: Nanette Kosydar Dreves, RDH, moved, seconded by Bruce Wayne Trimble, DDS, to adopt the Final Decision, Order and Stipulation in the matter concerning Gary Burkholder (02 DEN 002). Karen Jahimiak, DDS, was not present for deliberations and abstained. Motion carried.

**DELIBERATION OF STIPULATION IN THE MATTER CONCERNING
GREGG A. SEYLER, DDS**

MOTION: Karen Jahimiak, DDS, moved, seconded by Wilber Gill, DDS, to reject the Stipulation in the matter of Gregg A. Seyler. Bruce Wayne Trimble, DDS, abstained. Motion carried.

BRIAN PAINTER, DDS – OFFER OF LICENSE SURRENDER

MOTION: Judith Ficks moved, seconded by Catherine Schleis, to deny the request of Brian Painter, DDS, to surrender his license and to advise him that the due date remains 11/10/03 for costs. Case advisor Bruce Wayne Trimble was not present for deliberations and abstained from voting. Roll Call vote taken: Bruce Barrette, DDS-yes, Keith Clemence, DDS-yes, Nanette Kosydar Dreves, RDH-no, Judith Ficks-yes, Wilber Gill, DDS-yes, Karen Jahimiak, DDS-yes, Catherine Schleis, RDH-yes, Arthur Srb-yes, Richard Strand, DDS-yes. Motion carried.

WILLIAM BEAUPRE, DDS – REQUEST FOR THREE MONTH STAY WITH MODIFICATIONS

MOTION: Judith Ficks moved, seconded by Nanette Kosydar Dreves, RDH, to grant a three month stay of suspension in the matter of William Beaupre, DDS, and deny his request for order modifications. Motion carried unanimously.

HOWARD LUBIN, DDS – REQUEST FOR UNLIMITED LICENSE

MOTION: Karen Jahimiak, DDS, moved, seconded by Nanette Kosydar Dreves, RDH, to deny the request for an unlimited license in the matter of Howard Lubin, DDS, and have Legal Counsel, Jacquelyn Rothstein, write a letter stating that he may perform supervised endodontics. Motion carried unanimously.

MICHAEL MECIKALSKI, DDS – REQUESTING FULL REINSTATEMENT OF LICENSE

MOTION: Nanette Kosydar Dreves, RDH, moved, seconded by Judith Ficks, to grant a 4 month stay of suspension in the matter concerning Michael Mecikalski, DDS, and to deny his request for full reinstatement of his license. Motion carried unanimously.

APPLICATION REVIEW AND TELECONFERENCE APPEARANCE – ELLEN RYAN, RDH

MOTION: Wilber Gill, DDS, moved, seconded by Karen Jahimiak, DDS, to grant a license to Ellen Ryan, RDH. Motion carried unanimously.

DIVISION OF ENFORCEMENT – CASE STATUS REPORT

MOTION: Judith Ficks moved, seconded by Catherine Schleis, RDH, to close 02 DEN 025 for compliance gained. Motion carried unanimously.

ADJOURN

MOTION: Bruce Wayne Trimble, DDS, moved, seconded by Catherine Schleis, RDH, to adjourn the meeting at 1:25 p.m. Motion carried unanimously.

Next Meeting: January 7, 2004